

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FT TO 20 FT FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (SUMMERFIELD HOMES, APPLICANT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald  **CONTACT:** Earnest McDonald **EXT.** 7430

Agenda Date 10-27-03 **Regular** ☐ **Consent** ☒ **Public Hearing – 6:00** ☐

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FT TO 20 FT FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (SUMMERFIELD HOMES, APPLICANT); OR
2. **DENY** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FT TO 20 FT FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (SUMMERFIELD HOMES, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District # 4 – Henley)

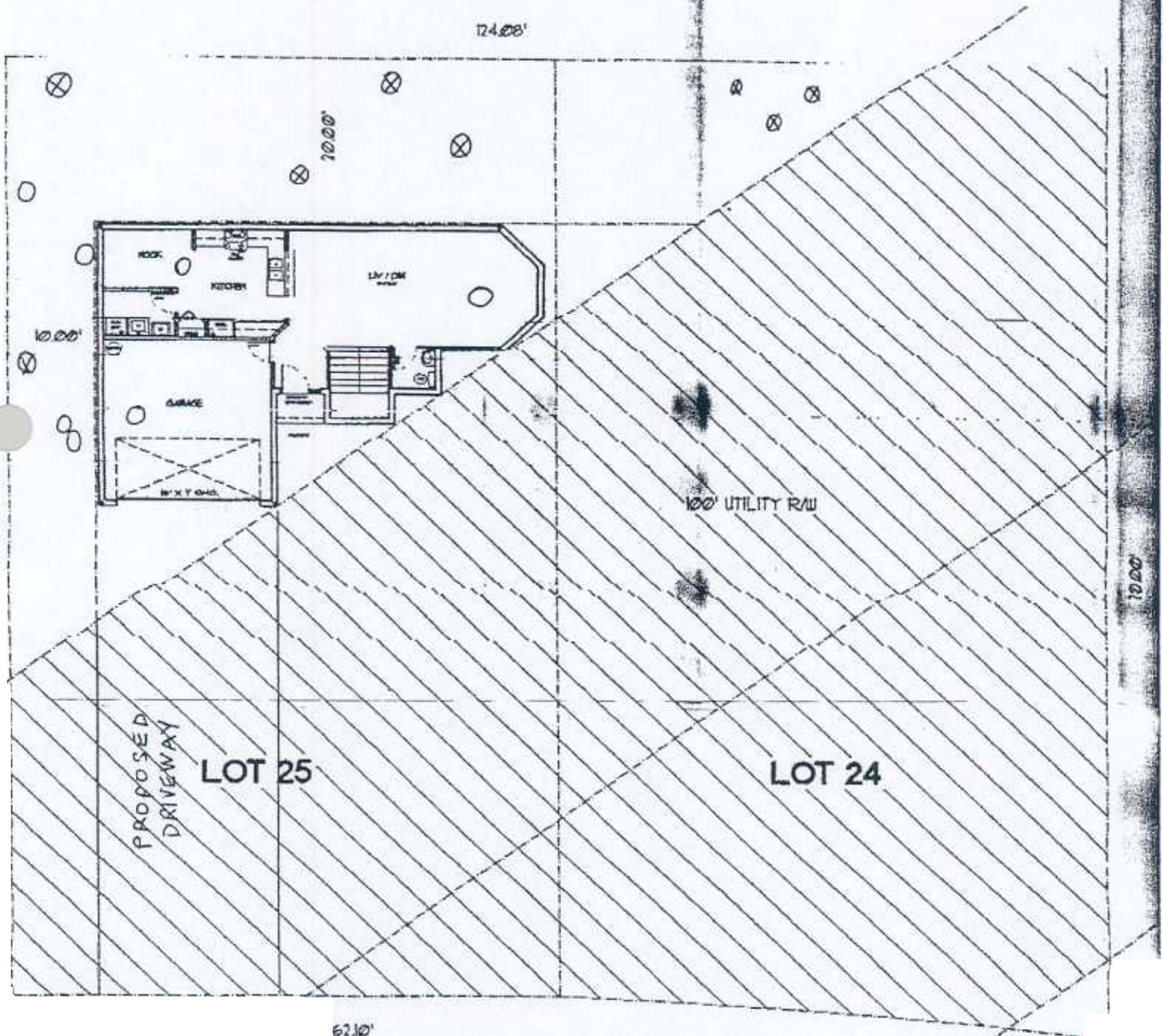
(Earnest McDonald, Principal Coordinator)

GENERAL INFORMATION	SUMMERFIELD HOMES, APPLICANT RIDGEWOOD STREET EAST ALTAMONTE SPRINGS, FL	R-1AA DISTRICT, LDC SECTION 30.206(c)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT DESIRES TO CONSTRUCT A SINGLE-FAMILY HOME ON TWO VACANT LOTS (24 & 25) THAT ARE UNIFIED IN TITLE. • A 100 FT UTILITY RIGHT-OF-WAY, OWNED BY PROGRESS ENERGY, ENCOMPASSES APPROXIMATELY 90 PERCENT OF LOT 24 AND 50 PERCENT OF LOT 25, WHERE THE SINGLE-FAMILY HOME IS PROPOSED. • FOR THIS REASON, THE APPLICANT IS SEEKING THE AFOREMENTIONED VARIANCE. • THE APPLICANT HAS OBTAINED A LETTER FROM PROGRESS ENERGY STATING NO OBJECTION TO THE CONSTRUCTION OF A SINGLE-FAMILY HOME ADJACENT TO THE EXISTING TRANSMISSION LINES LOCATED WITHIN THE EASEMENT. 	
STAFF FINDINGS	<ul style="list-style-type: none"> • THE SUBJECT PROPERTIES (LOTS 24 & 25) ARE HELD IN COMMON OWNERSHIP THROUGH UNITY OF TITLE. 	

	<ul style="list-style-type: none">• AS COMBINED, BOTH LOTS EXCEED THE MINIMUM SIZE AND WIDTH OF THE R-1AA DISTRICT. HOWEVER, THE EXISTING 100 FT WIDE UTILITY EASEMENT ACROSS BOTH LOTS HAS REDUCED THE COLLECTIVE BUILDABLE AREA BY NO LESS THAN TWO THIRDS, AS SHOWN ON THE ATTACHED SITE PLAN.• THIS SPECIAL CIRCUMSTANCE CONSTITUTES A HARDSHIP THAT IS PECULIAR TO BOTH PROPERTIES AND OTHERWISE DEPRIVES THE PROPERTY OWNER OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTY OWNERS IN THE R-1AA DISTRICT.• THE UTILITY EASEMENT, WHICH COMPRISES THE SPECIAL CIRCUMSTANCE, WAS NOT CREATED BY THE ACTIONS OF THE APPLICANT.• GRANTING THE REQUESTED VARIANCE WOULD NOT CONFER ON THE APPLICANT ANY SPECIAL PRIVILEGE THAT IS DENIED TO OTHER LANDS IN THE R-1AA DISTRICT.• THE REQUESTED VARIANCE IS THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE SUBJECT PROPERTY BY ALLOWING A HOME OF THE MINIMUM SIZE (1,300 SF) TO BE CONSTRUCTED ON THE PROPERTY.
STAFF RECOMMENDATION	<p>BASED ON THE STATED FINDINGS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE VARIANCE REQUESTED AND MAKE THE APPROPRIATE FINDINGS OF FACT. IF THE BOARD SHOULD DECIDE TO APPROVE A VARIANCE STAFF ALSO RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p> <ol style="list-style-type: none">1. ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPERTY AND PROPOSED SINGLE-FAMILY HOME, AS DEPICTED ON THE ATTACHED SITE PLAN.2. ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.

⊗ PINT TREE
○ LAURA OAK

NORTH



SITE PLAN

**VARIANCE
APPLICATION TO THE SEMINOLE COUNTY
BOARD OF ADJUSTMENT**

APPLICANT: SUMMERFIELD HOMES, INC.
COMPLETE MAILING ADDRESS: 9732 CAMBERLEY CIRCLE ORL, FL 32836
PHONE: WORK: (407) 876-9911 HOME: _____ FAX: (407) 876-8308
CELL PHONE: (321) 624-3640 Email: _____
PROPERTY OWNER OF RECORD: ERNEST & JEAN DAVIDSON
SITE OF REQUEST: E. RIDGEWOOD STREET, ALTAMONTE SPRINGS
STATEMENT OF HARDSHIP: OWNER UNABLE TO UTILIZE LAND FOR
RESIDENTIAL PURPOSE WITH RESTRICTED UTILITY EASEMENT.
REQUEST: PERMISSION TO BUILD A 1804 SFR. REQUEST
TO ENCROACH 10' OVER REAR SET BACK.
LEGAL DESCRIPTION OF PROPERTY: LOTS 24 & 25 BLK C WEST
ALTAMONTE HEIGHTS SEC 3 PB 10 PG 76
TAX PARCEL ID NO. 11-21-29-506-0000-0240
KNOWN CODE ENFORCEMENT VIOLATIONS ON PROPERTY: NONE KNOWN

EACH APPLICATION WILL BE ACCOMPANIED BY THE FOLLOWING:

Applicant must be the property owner. Someone other than the property owner may act on the property owner's behalf at the public hearing; however, a letter of authorization from the property owner must be submitted to the County. One 8.5" X 14" site plan and application fee.

SIGNATURE OF APPLICANT: [Signature] DATE: SEP 10 2003

FOR OFFICE USE ONLY	
FEE: <u>150.00</u>	CK# <u>5280</u> RECEIPT# _____ DATE _____ ZONING DISTRICT: <u>R-1A</u>
FURTHER DESCRIBED AS: _____	
LOT SIZE: _____	
PROCESSING:	
A. LEGAL AD TO NEWSPAPER _____	B. NOTICE TO PROPERTY OWNERS _____
C. PLACARDS / NOTICE _____	D. PROJECT NO. <u>03-30000153</u>
E. BOARD ACTION / DATE _____	F. LETTER TO APPLICANT _____
G. PUD SETBACKS _____	

INITIAL CONFERENCE _____

BCC DISTRICT 4

PLANNER KF

FILE NO. BV 2003-150

* Consent

MEETING DATE OCT 27, 03

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* Rear yard setback from 30 feet to 20 feet



July 15, 2003

Joe Schaffer, Realtor
Century 21
564 N. Semoran Blvd.
Orlando, FL 32807

RE: Section 11, Township 21 South, Range 29 East, Seminole County, Florida

Dear Mr. Schaffer:

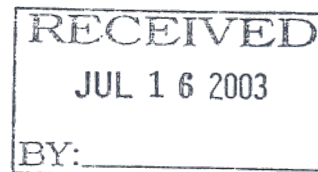
Progress Energy Florida (PEF) offers this letter of no objection regarding your request for Home Construction adjacent to the existing 230kV FP transmission lines between structures ASW-15 and ASW-16, as per your drawings attached as Exhibit "A". It appears that no portion of the construction will be within the 100' wide right-of-way.

Sincerely,

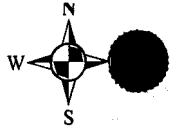
PROGRESS ENERGY FLORIDA, Inc.

A handwritten signature in black ink, appearing to read 'Mark E. Andersen'.

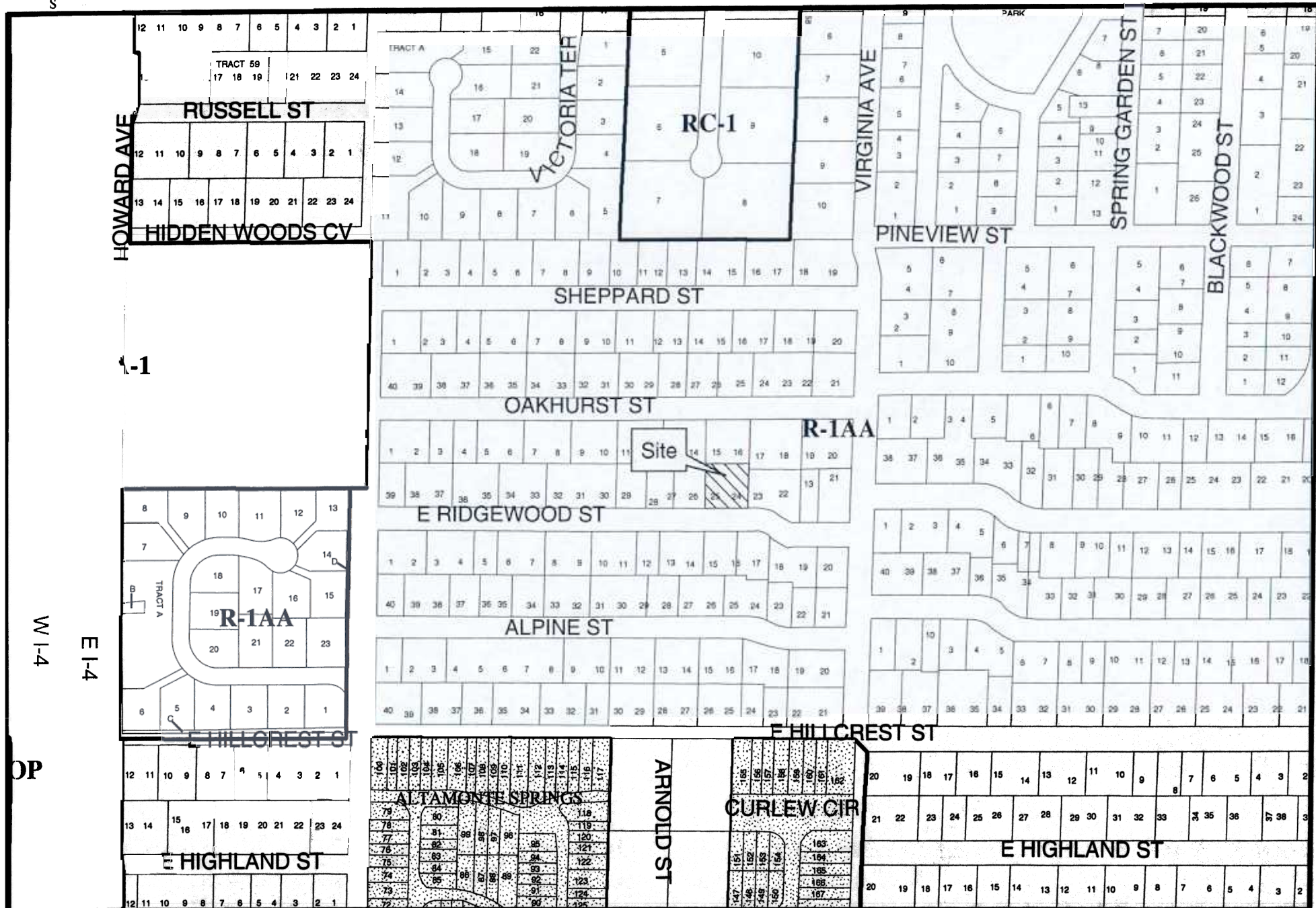
Mark E. Andersen
Encroachment Agent
North Central Transmission



Attachments



Summerfield Homes, In E. Ridgewood Street



0 150 300 600 Feet

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 27, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 24 & 25 BLK C WEST ALTAMONTE HEIGHTS SEC 3 PB 10 PG 76

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owners: ERNEST & JEAN DAVIDSON
726 SCENIC CIRCLE
SEYMOUR, TN 37865

Project Name: RIDGEWOOD STREET EAST

Requested Development Approval:

REAR YARD SETBACK VARIANCE FROM 30 FT TO 20 FT FOR A PROPOSED SINGLE-FAMILY HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Earnest McDonald
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. The rear yard setback variance shall apply only to the properties (lots 24 & 25) as unified in title and the proposed single-family home depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: